

**In the United States District Court
Western District of Missouri**

RURAL COMMUNITY WORKERS ALLIANCE
and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD
FRESH MEATS CORP.,

Defendants.

Second Declaration of Axel Fuentes

I, Axel Fuentes, hereby declare as follows:

1. I am the Executive Director of the Rural Community Workers Alliance (“RCWA”) based in Milan, Missouri.
2. I previously submitted a declaration in this matter and submit this declaration to provide additional information regarding developments since my prior declaration.
3. On the Saturday after we filed suit (April 25, 2020), RCWA members informed me that Smithfield sent workers into the Milan, Missouri plant (the “Plant”) to alter the Plexiglas dividers installed on the processing lines. The dividers are hung from above, and RCWA members informed me that Smithfield added bars to them to make them steadier. Moreover, while Smithfield had originally failed to take into account the height of workers so the dividers did not cover the faces of all workers, it adjusted the height of some of the dividers. My understanding is this occurred on the “ham line” on Saturday, and workers expect similar adjustments to be made on other lines later.

4. On Monday, April 27, 2020, RCWA members sent me the photos attached as Exhibit A.

5. The first photo shows signs stating that workers are required to wear masks at all time throughout the Plant. It is my understanding no similar signs had previously existed.

6. The second photo is of a memo posted on Monday (April 27, 2020) that announces workers will be given a 15 minute grace period to clock in. That memo also states workers may use any clock to clock in and out, whereas, previously, workers had to clock in and out using a specific clock. I believe this is Smithfield's effort to reduce crowding around the clock.

7. On Tuesday (April 28, 2020), a worker confirmed for me that workers could use any clock to clock in and out.

8. Nonetheless, the memo in the second photo attached as Exhibit A states the grace period does not begin until Wednesday (April 29, 2020). The workers were offered no explanation for the delay.

9. I also heard from workers that Smithfield announced starting Tuesday (April 28, 2020) it would be reducing the amount of hogs slaughtered at the facility: the Plant would only be slaughtering around 5,000 hogs per day, down from 10,500.

10. If the workers continued to work the same number of hours, the reduced number of hogs would allow for slower line speeds.

11. However, I spoke to a worker Tuesday night (April 28, 2020) who said that some workers would be working reduced hours, particularly workers on the kill floor. That worker confirmed Smithfield was slaughtering fewer hogs starting Tuesday.

12. Finally, I have been told that Smithfield has offered workers a \$5/hour raise starting in May, but this will not apply to overtime. Workers have seen this pay increase advertised on a screen that previously advertised the \$500 “responsibility bonus” offered to workers who did not call in sick in April. This has led some workers to believe that the raise will only apply to workers who do not call in sick in May.

13. Separate and apart from recent changes at Plant, I am aware that Smithfield has suggested a worker would put their name on this case if the statements in if were true. However, I know of multiple incidents in which Smithfield retaliated against workers. In one incident, a worker who raised health and safety concerns was fired after she brought the issue to the company’s attention. I have also heard of Smithfield harassing both workers, and even one worker’s spouse who also worked at the Plant, because the workers raised concerns.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Kirksville, MO


DocuSigned by:

B480P2TC3598495
Axel Fuentes
4/28/2020
Dated

Exhibit A

In efforts to protect employees from COVID19 Smithfield has required that masks and face shield are worn at all times when in the hallways, locker rooms, and production areas during this time. This is for the protection of you and your coworkers.

En un esfuerzo para proteger a nuestros empleados del COVID19, Smithfield ha requerido que se usen tapa-bocas y protectores faciales en todo momento. En los pasillos, vestuarios y áreas de producción durante este tiempo. Esto es para su protección y la de sus compañeros de trabajo.

Afin de protéger nos employés contre le COVID19, Smithfield a exigé que tout le monde porte les masques et les écrans de face en tout temps, y compris dans les couloirs, les vestiaires(lockers) et les zones de production pendant cette période. C'est pour votre protection et celle de vos collègues..

shack.)
*You can view further information in the
Environmental bulletin board across from the QA
office.

de la recepcionista y caseta de seguridad.)
* Puede ver más información en el tablón de
anuncios ambiental a través de la oficina de
control de calidad.

Smithfield

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Memo

Para: Todos los Empleados

De: Tim Messman

Re: Cambio a los Limites de
Ingresar (Ponchar)

Fecha: 27 de abril, 2020

Efectivo **miércoles 29 de abril, 2020** la planta de Milan está implementando una actualización temporal de los límites de entrada en vigor para los empleados de producción, mantenimiento y envío/shipping. Estas actualizaciones son:

- Empleados **pueden ingresar o salir usando cualquier reloj.**
- Empleados **pueden ingresar hasta 15 minutos antes de la hora de inicio programada.**

El objetivo de estos cambios es proporcionar a los empleados oportunidades adicionales para extenderse y adherirse a las pautas de distanciamiento social. Estos cambios de reloj se revisarán periódicamente para evaluar su efectividad en el logro de este objetivo.

En resumen, a partir de este **miércoles 29 de abril de 2020**, todos los empleados por hora pueden registrarse usando **CUALQUIER RELOJ** hasta **15 MINUTOS ANTES** de su hora de inicio programada.

Gracias por su tiempo y atención con respecto a estos próximos cambios. La planta de Milán está compuesta por un impresionante equipo de empleados que se han enfrentado al desafío de estos tiempos inusuales. Su continua diligencia y esfuerzo ayudarán a nuestra Planta a implementar y cumplir con este cambio temporal a nuestros límites de reloj y asignaciones de reloj.

Si tiene preguntas, consulte a su equipo de administración o comuníquese con el Departamento de Recursos Humanos.